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In re Application of MENZ et al
U.S. Application No.: 10/049,558
Int. Application No.: PCT/EP00/06109
Int. Filing Date: 30 June 2000
Priority Date: 14 August 1999
Attorney Docket No.: 740-X02-007
For: ARTIFICIAL TEAR REPLACEMENT
SOLUTION

DECISION

This is in response to applicant's "Petition to the Commissioner Under 37 C.F.R. 182" filed 28 February 2002. The requisite \$130.00 petition fee will be charged to Deposit Account No. 50-0601 per applicant's authorization.

BACKGROUND

On 30 June 2000, applicant filed international application PCT/EP00/06109, which claimed priority of an earlier Germany application filed 14 August 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 22 February 2001. A Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 February 2002.

On 14 February 2002, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, a Transmittal Letter and the basic national fee required by 35 U.S.C. 371(c)(1). The Transmittal Letter references International Application Number PCT/DE00/06109.

On 28 February 2002, applicant filed the present petition, which is being treated as a petition to correct the Transmittal Letter filed 14 February 2002. The petition states that the correct International Application Number is PCT/EP00/06109.

On 08 May 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

DISCUSSION

The petition states that the Transmittal Letter erroneously listed PCT/DE00/06109 as the International Application Number and that the correct International Application Number is PCT/EP00/06109. The petition further states that the error was made by inadvertent mistake. Applicant's explanation for the discrepancy is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) to await a response to the Notification of Missing Requirements mailed 08 May 2002.



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